

## **EXHIBIT 67**

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

## CISCO SYSTEMS, INC.,

Case No. 5:14-cv-05344-BLF (NC)

**Plaintiff,**

V.

ARISTA NETWORKS, INC.

**Defendant.**

**DECLARATION OF JOHN R. BLACK,  
JR. IN SUPPORT OF ARISTA'S  
RESPONSE TO CISCO'S SUBMISSION  
RE PROTECTABLE ELEMENTS (ECF  
552)**

Dept.: Courtroom 3 - 5th Floor  
Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

DECLARATION OF JOHN R. BLACK, JR. IN SUPPORT OF ARISTA'S RESPONSE TO CISCO'S  
SUBMISSION RE PROTECTABLE ELEMENTS (ECF 552)  
Case No. 5:14-cv-05344-BLF (NC)

1 I, John R. Black, Jr., declare as follows:

2 1. I am Associate Professor of Computer Science at the University of Colorado,  
3 Boulder. I hold a Bachelor of Science from the California State University at Hayward (now  
4 "California State University, East Bay") in Mathematics and Computer Science, conferred in  
5 1988. I received a Doctor of Philosophy in Computer Science from the University of California  
6 at Davis in 2000.

7 2. Unless otherwise stated, the facts I set forth in this declaration are based on my  
8 personal knowledge and expertise, or knowledge I obtained through my review of evidence  
9 (including documents and deposition testimony) produced in this litigation and provided to me for  
10 consideration, publicly available materials, or other investigation for purposes of my providing an  
11 expert opinion in this matter.

12 3. I submit this declaration in support of Arista's Response to Cisco's Submission re  
13 Protectable Elements (ECF 552). If called to testify as a witness, I could and would testify  
14 competently to such facts, and my expert opinions set forth in the exhibits to this declaration,  
15 under oath.

16 4. I have been retained to provide my expert opinions on issues related to Cisco's  
17 allegations of copyright infringement in this litigation, including matters relating to the  
18 copyrightability of the asserted aspects of the asserted works, and matters relating to Arista's  
19 defenses to Cisco's infringement allegations, including but not limited to *scenes a faire*, fair use,  
20 copyright misuse, and words and short phrases. I also provided opinions in response to the  
21 Opening Expert Report of Dr. Kevin Almeroth, dated June 3, 2016.

22 5. Attached hereto as Exhibit 1 is a true and correct copy of the Supplemental Expert  
23 Report ("Black Supplemental Report") I prepared in this action, which I signed on September 30,  
24 2016 and is a true and correct expression of my opinions based on the facts I currently know.

25 6. Attached hereto as Exhibit 2 is a true and correct copy of Appendix O to the Black  
26 Supplemental Report.

27 7. Attached hereto as Exhibit 3 is a true and correct copy of Appendix P to the Black  
28 Supplemental Report.

1       8. Attached hereto as Exhibit 4 is a true and correct copy of Appendix Q to the Black  
2 Supplemental Report.

3       9. Attached hereto as Exhibit 5 is a true and correct copy of Exhibit 7 to the Black  
4 Supplemental Report.

5       10. Attached hereto as Exhibit 6 is a true and correct copy of Exhibit 8 to the Black  
6 Supplemental Report.

7       11. Attached hereto as Exhibit 7 is a true and correct copy of Exhibit 9 to the Black  
8 Supplemental Report.

9       12. Attached hereto as Exhibit 8 is a true and correct copy of Corrected Exhibit 10 to  
10 the Black Supplemental Report.

11                   Executed October 18, 2016, at Superior, Colorado.

12                   I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.  
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16                   JOHN R. BLACK, JR.  
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